

# ORDINANCE 1557

**AN ORDINANCE OF THE CITY OF NORTH BEND, WASHINGTON, REPEALING NORTH BEND MUNICIPAL CODE CHAPTER 9.20 ENTITLED “AGGRESSIVE BEGGING” IN ITS ENTIRETY; ESTABLISHING A NEW NORTH BEND MUNICIPAL CODE CHAPTER 9.20 TO BE ENTITLED “COERCIVE SOLICITATION”; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE**

**WHEREAS**, in the interest of public health, safety and welfare, the North Bend City Council desires to regulate coercive solicitation;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:**

**Section 1. Repealer:** North Bend Municipal Code Chapter 9.20 entitled “Aggressive Begging” is hereby repealed in its entirety.

**Section 2. New NBMC Chapter 9.20 (Coercive Solicitation) Established:** A new North Bend Municipal Code Chapter 9.20, entitled “Coercive Solicitation” is hereby established to read as follows:

## **9.20.010 Purpose.**

The purpose of this chapter is to regulate and punish acts of coercive and aggressive begging, and acts of begging that occur at locations or under circumstances specified herein which create an enhanced sense of fear or intimidation in the person being solicited, or pose risk to traffic and public safety.

## **9.20.020 Definitions.**

The following terms are defined as follows:

A. “Coercive” means to do any of the following with intent:

1. To approach, speak or gesture to a person in such a manner as would cause a reasonable person to believe that the person is being threatened with a commission of a criminal act upon the person, another person or property in any person's possession, or to persist in any such act;
2. To approach within one foot of a person for the purpose of making a solicitation without obtaining said person's initial consent;
3. To willfully and intentionally block the passage of a person, pedestrian traffic, a vehicle or vehicular traffic while making a solicitation;
4. To engage in conduct that would reasonably be construed as intended to compel or force a person being solicited to accede to demands; or
5. To make any false or misleading representation in the course of making a solicitation.

B. "Solicitation" for the purposes of this chapter means asking, begging, requesting, or pleading made in person, orally or in a written or printed manner, directed to another person, requesting an immediate donation of money, items, or service of value, or the purchase of an item or service for an amount far exceeding its value, under circumstances where a reasonable person would understand that the purchase is in substance a donation.

#### **9.20.030 Coercive Solicitation Prohibited.**

It shall be unlawful for a person to make coercive solicitation.

#### **9.20.040 Place of Solicitation.**

A. It shall be unlawful to solicit at the following places:

1. On-ramp or off-ramp to state route or interstate highway;
2. Within 300 feet of the following intersections:

- a. Bendigo Blvd. (SR 202) and:
  - i. SW Mount Si Blvd.;
  - ii. South Fork Avenue SE;
  - iii. W. Park Street;
  - iv. North Bend Way; or
  - v. West 2<sup>nd</sup>, 3<sup>rd</sup>, and 4<sup>th</sup> Streets;
- b. North Bend Way and:
  - i. Sydney Avenue N.;
  - ii. Bendigo Blvd.;
  - iii. Main Avenue S.;
  - iv. E. Park Street;
  - v. SE Cedar Falls Way;
  - vi. 424<sup>th</sup> Avenue SE;
  - vii. 432<sup>nd</sup> Avenue SE;
  - viii. 436<sup>th</sup> Avenue SE; or
  - ix. 468<sup>th</sup> Avenue SE.

B. It shall be unlawful for a person to sell, or offer for immediate sale, goods, services or publications, or to distribute items without remuneration, to a person in a vehicle, at the following:

- 1. On-ramp or off-ramp to state route or interstate highway; or
- 2. Within 300 feet of the street intersections set forth in Subsection (A)(2) of this Section.

#### **9.20.050 Penalties.**

Violation of any section of this chapter shall be a misdemeanor, punishable by a fine of up to \$1,000 and/or imprisonment for up to 90 days.

**Section 3. Severability:** Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

**Section 4. Effective Date:** This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 16<sup>TH</sup> DAY OF JUNE, 2015.**

**CITY OF NORTH BEND:**

**APPROVED AS TO FORM:**

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**Kenneth G. Hearing, Mayor**

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**Michael R. Kenyon, City Attorney**

**ATTEST/AUTHENTICATED:**

Published: June 24, 2015

Effective: June 29, 2015

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**Susie Oppedal, City Clerk**